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IN THE

Supreme Court of the United States

October Term, 1947

No. 1049

NICHOLAS J. CURTIS,
Petitioner

vs.

GUY L. FAKE, D. J. and; UTAH FUEL COMPANY, a corporation, its officers and agents, specifically: DR. E. E. MURPHY; DR. ROBERT S. ALLISON (deceased); DR. FRANCIS S. BADCOM (deceased); H. COLLIN MINTON, JR., and FERDINAND ERICKSEN, its attorneys; NICHOLAS J. PAPPAS, Paterson, N. J.; HELEN N. PAPPAS, Paterson, N. J.; SOTIRIOS NICHOLAIDIS, Paterson, N. J. (not served); HARRY SUSSMAN, Paterson, N. J.; WILLIAM V. ROSENKRANS, Paterson, N. J.; LOUIS BROWNLOW, Washington, D. C. (not served); CHARLES W. KUTZ, Washington, D. C. (in default); DR. PERCY HINKLING, Washington, D. C. (deceased); WILLIAM H. FAY, Washington, D. C. (cannot be found); WILLIAM J. HAERN (MELVIN J. HAYS), Washington, D. C. (cannot be found); WILLIAM H. FOLLAND, Salt Lake City, Utah (in default; no motion or other pleading); DR. LESLIE J. PAUL, Salt Lake City, Utah (no appearance; in default); DR. SAMUEL WOLF, Salt Lake City, Utah (deceased); SIMON RAMBERGER, Salt Lake City, Utah (deceased, RAMBERGER COAL CO. substituted); DR. FREDERICK DUNN, Springville, Utah (appear by Special Appearance, name only); DR. FRED W. TAYLOR, Provo, Utah (no appearance; in default); DR. A. C. CALLISTER, Salt Lake City, Utah (appearance by Special Appearance, name only); DR. D. E. SMITH, Salt Lake City, Utah (appearance by Special Appearance, name only); CAROL C. JOHNSON, New York (Motion to Vacate); JOSEPH RIBIE, Salt Lake City, Utah (deceased); D. O. LARSON, Salt Lake City, Utah (no appearance; in default); CHARLES E. MABEY, Salt Lake City, Utah (no appearance, name only on Special Appearance list, no Motion or Affidavit); MARK TUTTLE, Salt Lake City, Utah (no appearance; in default); ADDISON P. ROSENKRANS, Paterson, N. J.; LOUIS ANTONOPOULOS and GEORGE LAVDAS, Trenton, N. J.; CHARLTON OGBORN and CAROL C. JOHNSON, New York City, N. Y.; GROVER A. GILES, Salt Lake City, Utah, and EAR E. HAYES, Salt Lake City, Utah,
Respondents

PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS, THIRD CIRCUIT, PHILADELPHIA, PENNA.

NICHOLAS J. CURTIS, LL. B., Petitioner,
Appearing in Person,
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IN THE SUPREME COURT OF THE UNITED STATES

No. OCTOBER TERM, 1947

Nicholas J. Curtis,
Petitioner.

v.

Utah Fuel Company, a corporation, et als., and Hon. Guy L. Fake, United States District Court Judge, District of New Jersey, Division at Newark, New Jersey,
Respondents.

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

The petition of Nicholas J. Curtis respectfully prays for a Writ of Certiorari to the United States Court of Appeals for the Third Circuit to review the judgment of said Court of Appeals rendered the 4th day of December, 1946. Opinion and Judgment are set out in the Appendix of this petition. The Judgment is also to be found in the Certified Record sent up by the Clerk of said Court of Appeals Third Circuit.

JURISDICTION

The jurisdiction of this Court is invoked under the provisions of Section 240 (a) of the Judicial Code, as amended, 28 U. S. C. Section 347 (a). The statutory provisions believed to sustain the jurisdiction of this Court are the following: Judicial Code, Section 240 (28 U. S. C. A. Sec. 347 (a)).

> "In any case, civil or criminal, in a Circuit Court of Appeals, * * * it shall be competent for the Supreme Court of the United States, upon the petition of any party thereto, whether Government or other litigant, to require by certiorari, either before or after a judgment or decree by such lower court, that the cause be certified to the Supreme Court for determination by it with the same power and authority, and with like effect, as if the cause had been brought there by unrestricted appeal."

The following cases are believed to sustain the Court's jurisdiction: *Gray v. Powell*, 314 U. S. 406, 86 L. Ed. 307, 62 S. Ct. 330; *Ex Parte Richard Quirin*, 317 U. S. 18, 87 L. Ed. 7, 63 S. Ct. 3; *Exker v. Western Pacific R. Corp.*, 318 U. S. 489, 87 L. Ed. 940, 63 S. Ct. 694; *United States v. Bankers Trust Co.*, 294 U. S. 240, 294, 295, 79 L. Ed. 885. This Court has said: "* * * that the sole essential of this court's jurisdiction to review is that there be a case pending in the Circuit Court of Appeals." *Gay v. Ruff*, 292 U. S. 25, 30.

QUESTIONS PRESENTED

The questions which are presented for the Supreme Court's consideration are the following:

(A) Was the United States Circuit Court of Appeals Third Circuit legally constituted to impartially review, according to law, the proceedings of the District Court of the United States within and for the District of New Jersey?

(B) Was Mr. Justice Goodrich qualified to head said circuit court and to lead the other two Justices, new in the case, into the departure of said circuit court from the accepted and usual course of judicial proceedings as against the petitioner in this case?

(C) Has the said United States Circuit Court of Appeals Third Circuit departed from the accepted and usual course of proceedings as against the petitioner in this case?

(D) Has the said United States Circuit Court of Appeals, Third Circuit, sanctioned the departures from the accepted and usual course of proceedings by the District Court of the United States for the District of New Jersey?

(E) Did the said district court of the United States depart from the accepted and usual course of judicial proceedings in this case?

(F) Does the record in this case present any reason justifying the said district court to depart from the accepted and usual course of judicial proceedings?

(G) Does the character, record and nationality of the petitioner in this case present facts justifying the said district court of the United States to force upon him martyric death in poverty here in the United States?

(H) Has the said district court of the United States any facts before it justifying it to deprive the petitioner in this case of life, liberty, property and the pursuance of happiness?

(I) Does the record of this case present the determination of said district court to force upon the petitioner in this case deprivation of liberty, property and pursuance of happiness?

(J) Does the Statute of Limitations of the State of Utah, 1943 issue, govern the law of continuous and * * * recurring conspiracies?

(K) Is the delay in commencing Civil Action File No. 728 in this case the fault of the petitioner in this case or is it the refusal of the Courts to adjudicate the conspiracy?

(L) Is there any reason present in this case justifying racial discrimination in the administration of justice in civil cases?

(M) Is District Court Judge Guy L. Fake of said United States court clothed with authority to take the petitioner's case away from him and from the Division of said Court in Trenton, N. J. where petitioner, Counsels for defendant and numerous witnesses reside in order to deprive petitioner of his life, liberty, property and pursuance of happiness by repeating his previous criminal acts?

(N) Does the character record, nationality (Kingdom of Greece), and nature of Civil Action file No. 728 and No. 2800 present facts sufficient in themselves justifying any Court, Judge, Agent, or Official of the United States of America to intervene on behalf of the defendants and inflict the cruel and unusual punishments complained of?

(O) Has the defendant Utah Fuel Company presented any new facts in its motion and exhibits of November 1st, 1943, warranting, or authorizing, or justifying District Judge Guy L. Fake to proceed and disregard the Memorandum Opinion of the Court, per Walker, D. J. and proceed further and destroy Civil No. 728 and Civil No. 2800 and the petitioner in this case himself?

(P) Assuming that District Court Judge Guy L. Fake has expressed his determination to destroy the petitioner in this case and his cause, is there any reason why he should not be judicially prevented of and from executing his will?

(Q) Is the character of the defendant Utah Fuel Company so clean of law suits as to make it an offense for the petitioner to sue it justifying the infliction of the cruel and unusual punishments mentioned in the complaints in Civil No. 728 and Civil No. 2800, and to deprive the petitioner herein of his civil rights?

(R) Was the Circuit Court of Appeals Third Circuit justified in suspending par. 1 of Rule 27 of its Rules in favor of the defendants, Utah Fuel Company et als. and give it ways and means to stub the petitioner in this case out of Court?

(S) Is it a national duty justifying said circuit court to deny this humble petitioner justice; the equal protections of the laws; and the equal benefits of all laws and proceedings in order to save district Court Judge Guy L. Fake; and compel him to hold his life, his liberty, his property, and his pursuance of happiness at the biased and vicious will of said Judge? Goodrich, C. J. page 461, line 12th, Vol. III., Record.

UNITED STATES CONSTITUTION AND STATUTES INVOLVED

The Articles of the United States Constitution involved are: Article I, Section 9, Subd. 2; Article III, Section 2; the Amendments to the Constitution of the United States, Amendments IV, V, VI, VIII and XIV; the Statutes of the United States involved are: U. S. C. A. Title 8, Ch. 3, Sections 41, 43, 47 (2), (3); Title 15, Sections 1, 2, 3, 4, 5, 15, 24, 26; Title 28, Sections 24, 25, 103, 725, and 729; Section 41 (1), (8) (12), (14), (17), and (23). (See page 3 of Declaration in Civil No. 728).

Also, the Constitution of the State of Utah, Article I Sections 1, 5, 8c, 9, 11e, 12, (See p. 91 of Complaint, first part of Vol. I, 14, and 26).

The Revised Statutes of Utah involved are the following: Conspiracy. Ch. 11 (1), (2), (3), (4), (5) (page 92 of Complaint set out in full); Title 49. 49-6-1. Vice Principal defined; Title 103. 103-1-3; Penal Code. Chapter 1. (1), (2), (3) (4), (5) (pages 90-91 of Complaint); Title 42,

Industrial Commission, see pages 44 and on to 90 of the Complaint; 42-1-38, Id; Each Day's Default a separate offense. Every day during which any person fails to perform any duty imposed by this title shall constitute a separate and distinct offense. (C. L. 17, Sec. 3093); 42-1-57; Right to Compensation—Exclusive Remedy, Exception (pages 48-49 of Complaint).

STATEMENT

Civil Action File No. 728 U. S. District Court District of New Jersey is an action on the case setting forth a malicious conspiracy or confederation with the means employed to effect its purpose and the resulting injury and damages to the plaintiff in the district court and petitioner here. The bases of the action are as stated in the Declaration, the fraudulent and malicious acts of the defendants in ruining the plaintiff in the Court below and petitioner here and thereby depriving him of his Civil Rights. The proceedings and statements of the means used to effect this purpose all combine to produce a single cause of action: *Van Horn v. Van Horn*, 24 Vroom 514 (New Jersey); *Kamm, Inc. vs. Flint, et als.*, 175 Atl. 62 (New Jersey); *White v. Texas Co.*, 202 P. 826, 59 U. 180; *Thomas v. Byth*, 44 U. 1, 137 P. 994; *Wilson v. Sullivan*, 17 U. 341; Joint Wrongs; Cooley on Torts, Vol. 1, Ch. V. p. 223, and cases cited thereunder. The appeal to the circuit court of appeals was taken from the judgment of the court below dismissing petitioner's proceedings under Judicial Code, Section 21 (25 U. S. C. A. Title 28). The Proceedings under Section 25 of Title 28 U. S. C. were filed against Dis-

trict Judge Guy L. Fake, at the Division of the Court at Newark, N. J.

REASONS FOR GRANTING THE WRIT

(A) *Was the United States Circuit Court of Appeals Third Circuit legally constituted to impartially review, according to law, the proceedings of the District Court of the United States within and for the District of New Jersey?*

This court has provided by Rule 38 that review on writ of certiorari may be obtained by complying with the provisions of said Rule 38. This petitioner made due endeavor to comply with the provisions of said Rule 38 of the rules of this Court, and say that the United States Circuit Court of Appeals Third Circuit were not legally constituted to impartially review the judgment of the United States District Court, for the reason that Mr. Justice Goodrich, who headed the other two Justices, strangers in the case, and whose first act, at the opening of the court, was to call their attention to the petitioner in this case addressing him by name to each one and pointing him out saying: "That's Curtis over there. See how he is sitting?" was not qualified to do so. The reasoning of this statement is based upon the facts that Mr. Justice Goodrich in open Court announced his determination thus: "This is a national duty, I go to save Judge Fake". Mr. Justice Goodrich handed down this said opinion on January 16, 1945, on the day of the Argument of Appeal No. 8664. (See page 461, Vol. III, Record, line 12th). Thus

being the facts, Mr. Justice Goodrich has had no power or authority to proceed and continue his determination to save a judge who has resorted to atrocities and joined the defendants in an infernal conspiracy.

It is not a national duty to deprive a suitor in a civil action of life, liberty, property and pursuance of happiness to save a judge who resorted to atrocities for gain and personal ambitions. (See pp. 379-380-381 of Vol. III Record). The Constitution imposes upon the judicial department the solemn duty of interpreting the laws; and however disagreeable that duty may be, in cases where its own judgment shall differ from that of other high functionaries, it is not at liberty to surrender or to waive it: *1 United States v. Dickson,* 15 Pet. 141, 162; *Muskrat v. United States,* 219 U. S. 346; *United States v. Freund,* 290 Fed. 411.

Judicial power is never exercised for the purpose of giving effect to the will of the judge; always for the purpose of giving effect to the will of the legislature; or, in other words, to the will of the law. *Osborn v. Bank of United States,* 9 Wheat. 738, 866.

(B) *Was Mr. Justice Goodrich qualified to head said circuit court and to lead the other two Justices, new in the case, into the departure of said circuit court from the accepted and usual course of judicial proceedings as against the petitioner in this case?*

Mr. Justice Goodrich was not qualified to head the said circuit court into his department from the accepted and usual course of proceedings to save District Judge

Guy L. Fore. It follows that the judgment of said circuit court is not supported by the pleadings and merits of the cause but it is based on co-operation in corruption.

In addition to the foregoing statement it is hereby insisted that Judge Goodrich was, by statute of the United States, disqualified from hearing appeal No. 8664 and appeal No. 9178. The statute of the United States invoked is that law found in section 216 of Title 28 U. S. C. A. which provides:

> "No judge before whom a cause or question may have been tried or heard in a district court, or existing circuit court, shall sit on the trial or hearing of such cause or question in the circuit court of appeals." (Mar. 3, 1891, c. 517, Sec. 3, 26 Stat. 827; Mar. 3, 1911, c. 231, Sec. 120, 36 Stat. 1132.)
>
> *Moran v. Dillingham,* 19 S. Ct. 620, 622, 174 U. S. 153, 43 L. Ed. 93. (Headnote.)
>
> The provision of the Act of 1891, c. 517, Sec. 3, that no judge before whom "a cause or question may have been heard or tried" in a District or circuit court shall sit "on the trial or hearing of such cause or question" in the Circuit Court of Appeals, disqualifies a judge, who has once heard a cause upon its merits in the Circuit Court, from sitting in the Circuit Court of Appeals on the hearing and decision of any question in the same cause, which involves in any decree matters on which he had occasion to pass in the Circuit Court.

Decree of Circuit Court of Appeals ordered be set aside and quashed.

Judge Goodrich had heard appeal No. 8027 in same cause and therefore he was disqualified to hear appeal No. 8664, and appeal No. 9178. The law is mandatory.

(C) *Has the said United States Circuit Court of Appeals departed from the accepted and usual course of proceedings as against the petitioner in this case?*

The said circuit court has departed from the accepted and usual course of proceedings as against the petitioner in this case. (See: the cases cited and quoted under Reasons: D. and E.) It will be seen that the said circuit court has had the conspiracy before it for the last 17 years, and by the handing down of evasive decisions gave and gives favors to all who are opposing the petitioner herein. On the last hearing there on November 21st, 1946 the petitioner in this case in writing informed said circuit court that he had the sum of "Eleven Hundred Dollars" in U. S. gold coin to be applied to defray costs of trial. Notwithstanding the financial ability to obtain a fair trial, said circuit court repeated its departure, committing the petitioner in this case to the will of District Judge Guy L. Fake and Counsels for the defendants, who, on December 6, 1946, while notice of the proceedings for writ of certiorari were served, and while no Mandate having been issued by the said circuit court to the said district court, proceeded and issued and served notice of motion for judgment on the pleadings.

(D) ***Has the said United States Circuit Court of Appeals sanctioned the departures from the accepted and usual course of proceedings by the United States District Court for the District of New Jersey?***

The said Circuit Court has sanctioned the departures from the accepted and usual course of proceedings by the said district court. See:

"I, William P. Rowland, Clerk of the United States Circuit Court of Appeals for the Third Circuit, do hereby certify that Nicholas J. Curtis, has docketed in this Court the following cases:

No. 4193

Nicholas J. Curtis vs. Paramount Famous Lasky Corporation, Pathe Exchange, Inc., Harold Lloyd Corporation, Associated Exhibitors, Inc., American Telephone & Telegraph Company and Associated Companies, Hon. William N. Runyon, Respondent.

July 8, 1929, Petition for Mandamus filed.

Jan. 10, 1930, Argued.

Feb. 13, 1930, Opinion Per Curiam Filed denying Petition for Mandamus.

Feb. 25, 1930, Petition for rehearing filed.

Dec. 1, 1930, Order denying Petition for rehearing.

No. 4194

Nicholas J. Curtis vs. The American Telephone & Telegraph Company and Associated Companies, The New York Telephone Company and Associated Companies, Hon. William Clark, Respondent.

July 8, 1929, Petition for Mandamus filed.

Jan. 10, 1930, Argued.

Feb. 13, 1930, Opinion Per Curiam Filed denying Petition for Mandamus.

Feb. 25, 1930, Petition for rehearing filed.

Dec. 1, 1930, Order denying Petition for rehearing.

No. 6468

Nicholas J. Curtis vs. Utah Fuel Oil Company.

April 15, 1937, Petition for designation of a Judge for trial filed.

Nov. 4, 1937, Argued.

Mar. 15, 1938, Opinion filed.

Mar. 15, 1938, Order Affirming Decree filed.

Mar. 23, 1938, Petition for rehearing filed.

Mar. 28, 1938, Order denying Petition for Rehearing.

No. 7525

Nicholas J. Curtis vs. Utah Fuel Oil Company, et al.

Aug. 19, 1940, Notice of Appeal filed.

Nov. 7, 1940, Argued.

Dec. 14, 1940, Opinion filed.

Dec. 14, 1940, Order Dismissing Appeal.

No. 7929

Nicholas J. Curtis vs. Hon. Thomas Glynn Walker and Hon. William F. Smith, United States District Judge, District of New Jersey.

Jan. 23 1942 Petition for Writ of Mandamus filed.

April 21, 1942 Heard by the Court.

April 30, 1942 Opinion filed.

April 30, 1942 Order denying Petition for Mandamus.

No. 8027

Nicholas J. Curtis vs. Utah Fuel Company, et al.

May 8, 1942 Notice of Appeal filed.

Oct. 22, 1942 Argued.

Dec. 7, 1942 Opinion filed.

Dec. 7, 1942 Order Affirming Orders appealed from.

No. 8395

May 1, 1943 Docketed.

May 7, 1943 Motion to designate Judge Avis for trial.

June 4, 1943 Petition for leave to file supplemental bill.

June 7, 1943 Argued.

June 7, 1943 Order Dismissing Petition for leave to file supplemental bill.

June 7, 1943 Order dismissing petition for designation of District Judge.

No. 8540

Nicholas J. Curtis vs. Utah Fuel Company et al. and United States District Court within and for the District of New Jersey.

Nov. 29, 1943 Petition for writs of Mandamus and Prohibition filed.

Mar. 20, 1944 Heard on Petition.

Mar. 20, 1944 Opinion filed.

Mar. 20, 1944 Order dismissing Petition.

No. 8664

Nicholas J. Curtis vs. Utah Fuel Company et al.

June 2, 1944 Notice of appeal filed.

Jan. 16, 1944 Argued.

Mar. 5, 1944 Opinion filed.

Mar. 5, 1944 Order Affirming Judgment.

No. 9178

Nicholas J. Curtis vs. Utah Fuel Company et al.

June 14, 1946 Notice of Appeal filed.

Nov. 21, 1946 Argued.

Dec. 4, 1946 Opinion filed.

Dec. 4, 1946 Order Affirming Judgment filed.

In Testimony Whereof, I have hereunto subscribed my name and affixed the seal of the said Court, at Philadelphia, this third day of January 1947.

WILLIAM P. ROWLAND
Clerk of the U. S. Circuit Court of Appeals Third Circuit"
(Seal)

It is hoped that it is manifest that the Circuit Court of Appeals on Appeals Nos. 8664 and 9178 has rendered decisions in conflict with its own decision on the same matter on appeal No. 8027.

(E) *Did the said district court of the United States depart from the accepted and usual course of judicial proceedings in this case?* See

United States District Court, District of New Jersey
Cases in Which Nicholas J. Curtis Is or Was a Party

Number	*Name*	*Date Filed*	*Date and How Terminated*
E-2331	Nicholas J. Curtis vs. American Telephone & Telegraph Co., et als	2/7/27	6/11/29 Order dismissing case without costs
E-4129	Nicholas J. Curtis vs. Citizens National Bank & Trust Co., et als	10/25/30	6/7/37 Order dismissing case pursuant to General Rule 27
E-5109	Nicholas J. Curtis vs. Minas Candaras, &c., et al	3/29/35	6/24/35 Order dismissing case with costs to defendants
L-1722	Nicholas J. Curtis vs. Paramount Famous Lasky Corp., et als	9/19/28	10/28/28 Order dismissing case
L-4628	Nicholas J. Curtis vs. Nicholas J. Pappas, &c., et al	8/6/34	9/24/34 Order striking out complaint with costs to defendants

Number	*Name*	*Date Filed*	*Date and How Terminated*
L-4759	Nicholas J. Curtis vs. Nicholas J. Pappas, &c., et al	10/8/34	11/21/38 Order dismissing case pursuant to Rule 27
L-5773	Nicholas J. Curtis vs. Utah Fuel Company	11/6/36	12/24/36 Order granting motion to strike complaint and dismissing motion for rehearing
Civil 728	Nicholas J. Curtis vs. Utah Fuel Company, et als	1/12/40	Pending

The said United States district court did depart from the accepted and usual course of judicial proceedings in this case. Be that whatever crime or crimes there may be, the said district court has no power or authority to suppress it or them by the use of motions and decisions thereon at their will. The said district court cannot abandon its jurisdiction already properly obtained of a suit. It is bound to proceed to judgment and to afford redress to this petitioner. *Snydam v. Broadnax,* 14 Pet. 64; *Union Bank v. Jolly's Administrators,* 18 How 503.

In *McCleland v. Garland,* 217 U. S. 268, this Court has held:

> "Where a case is made upon a bill which is within the jurisdiction of the Court of the United States the court is bound to maintain such action and pro-

ceed to trial. The law should and ought to be enforced as against all."

The existence of the Jurisdiction creates an implication of duty to exercise it. *McCleland v. Garland,* 217 U. S. 268. The abandonment was begun by district judge William Clark in 1927; Id. Continued by the then District Judge Bodin; Taken up in 1929, by District Judge Guy L. Fake, the present respondent in the proceedings under section 25 of Title 28 U. S. C.; Id. Cases cited in Q. Inv. E. (See Index of Brief to said circuit court). Every overt act in the persecution and prosecutions, and every thing which could be thrown on, is dramatized. The conspiracy was, and is, thus publicized to the point of notoriety, and the two courts below abandoned their jurisdiction by the issuance of evasive judgments and decrees. And finally, District Judge Guy L. Fake called before him H. Collin Minton, Jr., counsel for the defendants, and lectured him heatedly to continue the conspiracy before him (See pp. 379-380-381, Vol. III, Record). And upon said lecture the said district judge handed down the opinion which is set out on pp. 381-382, therein lecturing said counsel to proceed and plead the statute of limitations, and thereupon to date said counsel has made four (4) motions for judgment on the pleadings.

(F) *Does the record in this case present any reason justifying the said district court to depart from the accepted and usual course of judicial proceedings?*

There is no reason justifying said district court to depart from the accepted and usual course of proceedings. 8 U. S. C. A., Sections 41, 43, 47, Federal Rules of Civil

Procedure for the District Courts of the United States, Rules 26 and 31.

(G) *Does the character record and nationality of the petitioner in this case present facts justifying the said District Court of the United States to force upon him martyric death in poverty here in the United States?*

It can be that there are better people in the world than the petitioner in this case, but the petitioner's character record is as good as any ordinary man in the world, and as clean from the criminal point of view as can be found on any good man in the world. Racial persecutions and prosecutions and denial of justice on account of race or nationality is as jealous as it can be. U. S. Const., Amendments V and XIV; 8 U. S. C. 41.

(H) *Has the said District Court of the United States any facts before it justifying it to deprive the petitioner in this case of life, liberty, property and the pursuance of happiness?*

What did this petitioner do? Envy in the administration of justice? The duty to give full force and effect to the Constitution of the State of Utah is as obligatory as the similar duty in respect to the public acts and judicial proceedings of said state. U. S. Const., Art. IV; *Smithsonian Institute v. St. John,* 214 U. S. 19. See Appendix to Declaration in Civil No. 728, 8 U. S. C. Sections 41, 43, 47 (2), (3). Petitioner's duty to save the life of his natural brother is governed by the laws of nature.

(I) *Does the record of this case present the determination of said district court to force upon the petitioner in this case deprivation of liberty, property and pursuance of happiness?*

See the Appendix to Brief in Circuit Court of Appeals Third Circuit; the records of the cases cited above in Q. Inv. D.; Declarations made by District Judge Guy L. Fake, pp. 379-380-381, Vol. III, Record; the Opinion of said district judge, pp. 381-2; the Record in general; and the rephotostating of petitioner's exhibits to avoid the Decree of the Circuit Court of Appeals, Third Circuit on Appeal No. 8027, in violation of the law found in Section 233 of Title 18, U. S. C. A. The conduct of the district court constitutes an atrocity against this petitioner; thousands of dollars consumed since the year 1927, and it now, through District Judge Guy L. Fake, pleads the Statute of Limitations in favor of the defendant, Utah Fuel Company. The conspiracy is the very same one in all the cases cited above.

(J) *Does the Statute of Limitations of the State of Utah,* 1943 *issue, govern the law of continuous and recurring conspiracies?*

See and begin at par. k at page 396, and on l, page 397, and on m, p. 398, n at same page, o, p and q at p. 399, r and s at p. 400, of Vol. III, Record, which pages are parts of the proceedings to disqualify District Judge Guy L. Fake, and proceed to trial here in the Division at Trenton, N. J., where the conspiracy has operated since the 11th day of December, 1937. See the 23rd and 24th Counts of the Declaration in Civil No. 728; Petitioner's Mem-

orandum to the clerk of the said district court and through the clerk to the court, pp. 515 to 518, Supplement to Vol. III, Record; the complaint in Civil No. 728, wherein it is pleaded where and how the Statute of Limitations was tolled. See the photostated parts of the Law of Conspiracy as annotated in Encyclopedia of U. S. Supreme Court Reports, Supp. issue.

R. S. of Utah, 104-2-23. The word "liability" in this section does not extend to a tort. *Thomas v. Union Pac. R. Co.*, 1 U. 235, Note 8 under the section.

Note 12 under the Statute, Suspension of Running of Statute.

Supreme Court of the State of Utah, the commencement of an action saves the bar of the Statute. *Queanly v. Sullivan*, 42 U. 563, 132 P. 4; *Guthiel v. Gilmor*, 76 P. 628, 27 U. 426 (Note 3 and cases cited), (Note 4); *Jones v. Jenkins*, 22 F. 2d 642 (Note 1 and cases cited); *Peterson v. Evans*, 55 U. 505, 188 P. 152 (Note 2).

The argument quoted in the 24th Count of the Complaint in Civil No. 728 before District Judge Phillip Forman at the Division of said court at Trenton, N. J., constitutes an adoption of every act done there before in the course of the formation and execution of the conspiracy to do away with the petitioner herein, and tolled and saved the bar of the Statute of Limitations.

The acts of taking out of Court and rephotostating the petitioner's exhibits (28 U. S. C. Sec. 391, 2d cl.) for the purpose and with the intent to avoid the decree of the said circuit court of appeals on Appeal No. 8027, October Term, 1942, constitute adoption of every act, atrocity, set

forth in said exhibits so rephotostated in furtherance of the object of the conspiracy, and tolled and saved the bar of the statute of limitations.

The Motion for Injunction (at pp. 401-403, et seq., Vol. III; Motion and Exhibits in full is a separate batch exhibit. See the exhibits on file here and part of the Record) and restraining orders therein prayed for, restraining this petitioner from prosecuting his cause to adjudication, constitute another overt adoption of every other atrocity which was executed there before in furtherance of the object of the conspiracy, and tolled and saved the bar of the Statute of Limitations.

The argument of counsel for Utah Fuel Company, et als. and pro se, made in open court, in the course of proceedings had in the cause constitute an additional adoption of every other atrocity there before committed in the formation and execution of the conspiracy set forth in the two complaints, pleadings thereto and exhibits of the same thereof; and "overt" act in furtherance of the object of the conspiracy, and, tolled and saved the bar of the Statute of Limitations. Argument and definition of "overt" act: See pp. 404-405; again at p. 429. Civil conspiracy defined page 458, page 459 of Vol. III, Record.

Document index of the petitioner's photostated exhibits and of the typed exhibits embodied therein: pages 414 to 420; petitioner's additional list of additional exhibits pages 427-428, Vol. III, Record.

List of the documents in the Memoranda on Motion for Injunction and Restraining Orders as served upon this petitioner by counsel for defendants: pages 422 to 426 of Vol. III, Record. Please compare.

(K) *Is the delay in commencing Civil Action File No. 728 in this case the fault of the petitioner in this case or is it the refusal of the courts to adjudicate the conspiracy?*

The delay in commencing Civil Action No. 728 has been caused by the successive overt acts of the defendants and their co-conspirators in furtherance of the object of the conspiracy; the counsels as agents of the defendants and the courts. The petitioner herein has done all he could do towards adjudicating this cause. He first ordered his brother to file complaint in the District Court of Salt Lake County, Utah. Complaint duly filed by D. O. Willey, attorney in the case, who wrote a false complaint to jail both the petitioner and his brother. Fraud discovered timely and said lawyer dismissed case. The petitioner herein next filed suit in the Federal Court for the District of Utah as Case No. 5547-L. District Judge T. D. Johnson dismissed the case and directed the petitioner to sue the defendant in the Federal Court within and for the District of New Jersey. In the course of prosecuting the suit the defendants caused this petitioner to be arrested, tried and imprisoned for suing them. Further on this, see the exhibits; argument at pages 399-400 of Vol. III, Record, and Count 24th of the Complaint in Civil No. 728.

(L) *Is there any reason present in this case justifying racial discrimination in the administration of justice in civil cases where the plaintiff pays for the costs of establishing truth?*

The courts below are off their course in this case. Whatever else there may be said, those who established

the United States took pains to see that all men are equal before the law. U. S. Const., Article III, Section 2; Article IV, Section 1; 28 U. S. C. Sections 41, 43, 47.

The purpose of the equal protection clause of the Fourteenth Amendment (Amdt. 5th as to U. S. Cts.) to the Federal Constitution is to secure every person within the state's (United States') jurisdiction against intentional and arbitrary discrimination, whether occasioned by the express terms of a statute or by its improper execution through duly constituted agents. American Jurisprudence, Vol. 12, Constitutional Law, p. 257, G. Discriminatory Administration of Laws, citing: *Sunday Lake Iron Co. v. Wakefield Twp.*, 247 U. S. 350, 62 L. Ed. 1154.

An actual discrimination arising from the method of administering a law is as potential in creating a denial of equality of rights as a discrimination made by law. *Rogers v. Alabama*, 192 U. S. 226, 48 L. Ed. 417, 24 S. Ct. 257; *Terrance v. Florida*, 188 U. S. 519, 47 L. Ed. 1411.

Hostile Discriminations forbidden: Encyc. of U. S. Supreme Court Reports, Vol. 4, Constitutional Law, p. 402.

(M) *Is District Court Judge Guy L. Fake of said United States Court clothed with authority to take the petitioner's case away from him and from the Division of said Court in Trenton, N. J. where petitioner, counsels for defendant and numerous witnesses reside, in order to deprive petitioner of his life, liberty, property and pursuance of happiness by repeating his previous criminal acts?*

This is a theriody or atrocity on the part of District Judge Guy L. Fake as well as on the part of every other

Federal judge, agent or official who entered and enter the conspiracy on behalf of the defendants and took it and take it unto themselves to suppress the administration of justice in this case and deprive the petitioner in this case of life, liberty and property to prevent him from suing the defendants and, in particular, the defendant, Utah Fuel Company, a powerful corporation which has more suits against it than any other corporation doing business in the State of Utah; which suits constituted it unworthy of belief. See the exhibits obtained from the Industrial Commission's Reports of the State of Utah which are on file and a part of the Record. See and consider its practice in this case. The place of trial of civil cases is governed by the provisions of Rule 9, par. B., District Court Rules, District of New Jersey: "Clerk shall take into consideration the convenience of litigants, counsel and witnesses and the place where the cause of action arose."

Further argument on this Question and against District Judge Guy L. Fake, see, read and consider, petitioner's memorandum set forth at pages 484 to page 490 inclusive, Vol. III, Record.

(N) *Does the character record, nationality (Kingdom of Greece), and nature of Civil Action File No. 728 and Civil No. 2800 present facts sufficient in themselves justifying any court, judge, agent or official of the United States of America to intervene on behalf of the defendants and inflict the cruel and unusual punishments complained of?*

The same can be justly said against every agent or official who intervened and intervenes on behalf of the respondent, Utah Fuel Company, and its co-conspirators.

This is an atrocity against a peace loving person on behalf of a powerful and lawless corporation. The suit owes its origin in: 1. The law of Principal and Agent of the State of Utah; 2. the Constitution of the State of Utah, Article 1, Sections 1, 5, 8c, 9, 11, (at page 91 of Complaint in Civil No. 728), 12, f, 14, 26 (at p. 92 of Complaint); 3. The ruling case law of the cases quoted and cited at pages 43-109 inclusive of Appendix of said Complaint. It is set out in the first part of Vol. I., Record; and R. S. of Utah, Title 42. 42-1-57, (at pages 48-49 of said Declaration).

(O) *Has the defendant, Utah Fuel Company, presented any new facts in its motion and exhibits of November 1st, 1942, warranting or authorizing, or justifying District Judge Guy L. Fake to proceed and disregard the Memorandum Opinion of the Court (Findings of Fact and Conclusions of Law) per Walker, D. J. and proceed further and destroy Civil No. 728 and Civil No. 2800 and the petitioner in this case himself?*

The Proceedings for injunction and restraining orders is the dictate of District Court Judge Guy L. Fake. See pages 379-380-381 of Vol. III, Record.

The exhibits of the petitioner herein on file and of record in the said district court were re-photostated and undersigned and placed in the hands of H. Collin Minton, Jr. Counsel pro se, Utah Fuel Company, et als. by William H. Tallyn then Chief Deputy Clerk and now Clerk of said Court. A false and deceptive Motion and Findings was issued and the said rephotostated exhibits were attached to the said deceptive motion and homemade Findings. The batch so served upon this petitioner is a separate exhibit

before this Court. It is a part of the Record because it was before the said circuit court. The original is a part of the Record in the said district Court. See parts of at pp. 401-404, Vol. III, Record. The said proceedings were executed in violation of the law found in section 233 of Title 18 U. S. C. and the other laws cited at p. 405, Vol. III, Record. The complaint in Civil No. 728 was filed January 12, 1940. See Document Index and Docket Entries at first part in Vol's. I and II, Record. District Judge Thomas G. Walker conducted the necessary hearings as nearly according to the usual course of judicial proceedings as possible with a court stenographer present in all the hearings and the proceedings were stenographically taken down, which please see: Stenographic Minutes—Hearing on May 6, 1940, (pp. 406-412 inclusive, Vol. III, Record); Hearing on April 22, 1940, (pp. 495-504 inclusive Supp. to Vol. III Record); Hearing on May 13, 1940, (pp. 504-514 inclusive Supp. to Vol. III Record). See also the Table of Contents as to pleadings filed in first part of Vol's. I, II, Record.

On information and belief on one of said hearings District Judge Thomas G. Walker summoned and had with him an advisory jury under Federal Rule 39 (c), and on November 19, 1941, entered his Memorandum Opinion (Findings of Fact and Conclusions of Law) (See it on pages 352-356, Vol. II, Record.) These Findings of Fact and Conclusions of Law are also set out on pages 17-22 of the Bill in Equity, Second part of Vol. I. Record.

Findings supported by any substantial competent evidence are conclusive; Supreme Court of the State of Utah in Re: *Murray City v. Ind. Commission,* 183 P. 331, 55 U. 44. See Ruling Case Law of the state of Utah at pp. 57-58

of Complaint in Civil 728. Also all other cases quoted and cited therebefore and thereafter said pages.

The duty to give full force and effect to the Constitution of the State of Utah is as obligatory as the similar duty in respect to the judicial proceedings of such State: U. S. Constitution, Article IV; *Smithsonian Institute v. St. John*, 214 U. S. 19; Ruberts, J., in *Mayo v. Lakeland Highlands Canning Co.*, 309 U. S. 521, 60 S. C. 521. (3) * * * Such findings are obviously necessary to the intelligent and orderly presentation and proper disposition of an appeal.

(4) The record does not warrant a judgment of dismissal. The Complaint raises constitutional questions of due process, equal protection, and violation of the obligation of contract; conclusiveness of the Findings of Fact and Conclusions of law by the District Court. *National Reserve Ins. Co. v. Scuder*, 71 F. 2d. 884; *Railroad Commission v. Maxey*, 281 U. S. 82, 83, 74 L. Ed. 716; *Cherry-Vurrele Co. v. Thatcher*, 107 F. 2d. (8) on page 69; *Storley v. Armour & Co.*, 107 F. 2d. 499, citing *H. H. Cross Co. v. Simons*, 8 Cir., 96 F. 2d. 482, 486; *Crowell v. Baker Oil Tools*, 9 Cir. 99 F. 2d. 574, 577; Healy C. J. in *Occidental Life Ins. Co. v. Thomas*, 107 F. 2d. 875; *Green Valley Creamery v. U. S.*, 108 F. 2d. 342, (7) on p. 347; *U. S. v. Borg-Waren Corporation*, 108 F. 2d. 424, (4) on p. 427; C. C. A. 7th (1939); *American Home Fire Assur. Co. v. Hargrove*, 109 F. 2d. 86; *Nicholas v. Minnesota Mining & Manufacturing Co.* (C. C. A. 4th), 109 F. 2nd 162 (1) on p. 163; *Gray McFawn & Co. v. Hegarty, Conroy & Co., Inc. et al.* (C. C. A. 2d.) 109 F. 2d. 443 (3); *Kurn et al. v. Beasley County Judge*, (C. C. A. 8th C.) 109 F. 2d. 687 (3); *Gray v. United States*, (C. C. A. 8th C.) 109 F. 2d. 728; *Pullman Co. v. Chicago & N. W. R. Co.*, (C. C. A. 7th) 110 F. 2d. 425, (1) (2); *Syracuse Engineering Co. v.*

Haight, 110 F. 2nd 468, (6); *City of Sumter et al. v. Spur Distributing Co.,* C. C. A. 4th, Mar. 15, 1940, 110 F. 2d. 649 (1, 2); *Goodacre v. Panagopoulos et als.,* C. C. A. D. of C., 110 F. 2d. 716, (1), (2); *Creel v. Hudspeth, Warden,* C. C. A. 10th C., Mar. 21, 1940, 110 F. 2d. 762, (4) on p. 763; *Pers v. Hudspeth, Warden,* C. C. A. 10th C., Mar. 21, 1940, 110 F. 2d. 812, (1), (5); *Arenstien v. American Soc. of Composers, Authors and Publishers et al.,* D. C. S. D. of N. Y., 29 Fed. Supp. 388, (10), (11); *Central R. Co. of New Jersey v. Central Hanover Bank & Trust Co. et al.,* 29 F. Supp. 826, (3). Under Civil Procedure Rule relating to findings by Court formal findings of fact and conclusions of law separately stated take place of opinion written by Court on the facts or law in an injury cause or proceeding; *Clark Bros. Co. v. Portex Oil Co.,* C. C. A. 9th, 113 F. 2d. 45 (4) on p. 47; *Continental Oil Co. v. Jones,* C. C. A. 10th C., 113 Fed. 2d. 557, (6); *Atlas Beverage Co. et al. v. Minneapolis Brewing Co.,* C. C. A. 8th, 113 F. 2d. 672, (6); *Bein Co. v. Landy, Collector of Internal Revenue,* C. C. A. 8th, 113 F. 2d. 897, (1); *Mississippi Valley Timber Co. v. Mengel Co. et al.,* C. C. A. 5th C., 112 F. 2d. 947; *Hayes v. Kelly et ux.,* C. C. A. 9th C. 112 F. 2d. 897, (1); *Sevens v. Edwards et al.,* C. C. A. 5th C. 112 F. 2d. 534, (3); *Edwards v. Lain* C. C. A. 7th C. 112 F. 2d. 343, (2); *In re Mount Holley Paper Co. v. Davis et ux.,* C. C. A. 3rd C.; *Automobile Ins. Co. of Hartford, Conn. v. Springfield Dyeing Co., Inc.,* C. C. A. 3rd. C. Feb. 1940; *Samuel White v. James A. Johnston,* No. 697, 313 U. S. 538, 85 L. E. 1507, 61 S. Ct. 834; *Ford Motor Co. v. Nat. Labor Relations Board,* 205 U. S. 364; *Oil Shares Incorporated v. Commercial Trust Co. et al.,* 304 U. S. 551; Federal Circuit Court of Appeals must follow decisions of other such federal courts. *McConald v. U. S.* (C. C. A. Minn. 1937) 89 F. 2d. 128, cer.

denied. 1937, 57 S. Ct. 925, 301 U. S. 697, 81 L. Ed. 1352, rehearing denied 1937, 58 S. Ct. 4, 302 U. S. 773, 82 L. Ed. 599.

This petitioner felt and feels that the Complaint in Civil No. 728 should have been held good by Judge Walker as against all the conspirators; and that the cause is not governed by the law founded in Section 112 of Title 28 U. S. C., but by the laws founded in Sections 41, 43, and 47 (2), (3), of Title 8 U. S. C. and for that reason he appealed to the Circuit Court of Appeals, Third Circuit (see Appeal No. 8027). On this said appeal the respondents were well represented by counsel, including a Brief from the Attorney General and his Assistant of the State of Utah. The assistant attorney general came all the way from Utah and argued the case for the respondents but failed because said circuit court affirmed the judgment of the District Court. (See Decree at pages 303-304 and Mandate at the second part of page 304 to page 306, Vol. II, Record.).

A comparison of the Counts of the Complaint and exhibits on file and of Record in the said court of appeals and in the district court will show that the defendant Utah Fuel Company did not present any new facts in its motion and home made findings of fact and conclusions of law justifying District Judge Guy L. Fake to proceed and conspire with counsel of the respondent Utah Fuel Company, destroy the Decree of the Circuit Court of Appeals on appeal No. 8027; destroy the Findings of Fact and Conclusions of Law of Judge Thomas G. Walker of the same Court and of equal rank; and proceed to destroy Civil No. 728, and this petitioner. To these statements challenges the respondents and says that it is their duty to show which fact was not considered and adjudged by Judge Walker and the Circuit Court of Appeals.

(P) ***Assuming that District Court Judge Guy L. Fake has expressed his determination to destroy the petitioner in this case and his cause, is there any reason why he should not be judicially prevented of and from executing his will?***

A reading of the argument of the foregoing question just above will show that the respondent Judge Guy L. Fake, took it unto himself to deprive this petitioner of his life, liberty, property, and pursuance of happiness. To this said statement there is no guess work. See also the three (3) cases which he falsely destroyed previous to the present cases. Parts of are to be found in the Appendix of Brief to Circuit Court of Appeals, Third Circuit, copies of which are herewith filed in this Court.

In the case of *Yick Wo v. Hopkins,* 118 U. S. at p. 369, 370 this Court says: "For the very idea that one man may be compelled to hold his life or the means of living, or any material rights essential to the enjoyment of life, at the mere will of another seems to be intolerable in any country where freedom prevails, as being the essence of slavery itself."

Reviewing the character record, Opinions, Judgments and Declarations of the respondent Judge Guy L. Fake, there is to be seen that said district judge has compelled and does compel this petitioner to hold his life or the means of his living at the will of said judge. The petitioner herein refers this Court to the cases and parts of cases quoted at pages 485-489 of Vol. III, Record, where the best cases to be found in the reported cases are quoted and set out.

(Q) *Is the character of the defendant Utah Fuel Company so clean of law suits as to make it an offense for the petitioner to sue it justifying the infliction of the cruel and unusual punishments mentioned in the complaints in Civil No.* 728 *and Civil No.* 2800, *and to deprive the petitioner herein of his civil rights?*

The respondent Utah Fuel Company makes it its business to employ dishonest lawyers to vex complainants who are complaining against it and to starve them out to defeat of their claims. See the 260-270 cases against it listed in the Reports of the Industrial Commission of the State of Utah, of which cases photostatic copies are a part of the Record and are marked by the Clerk of the C. C. A. as item (8). Most of the said cases were taken before the respondent William H. Folland, whom, having put this petitioner out of the way of said respondent company, they placed in the Supreme Court of the State of Utah. See also cases against the Pleasant Valley Coal Company, a double chartered corporation incorporated under the laws of the State of Utah.

(R) *Was the Circuit Court of Appeals Third Circuit justified in suspending par.* 1 *of Rule* 27 *of its Rules in favor of the respondent Utah Fuel Company and give it ways and means to stub this petitioner out of Court?*

Paragraph 1 of Rule 27 of The Rules of the C. C. A. 3rd C. provides:

> "1. Filing of Briefs: Civil Cases—When Filed —Number of Copies—Service of Copies. * * * The appellee or respondent shall in like manner file and

serve a brief within 20 days after the filing and serving of the appellant's or petitioner's brief. * * * No other briefs may be filed without special leave of court."

On the 10th day of July, 1946, this petitioner certified as follows: "I certify and return that I served by registered mail 5 copies of Brief and 5 copies of appendix upon each one of said three parties all on this 10th day of July, 1946." (To H. Collin Minton, Jr., William V. Rosenkrans, Hon. Guy L. Fake.) U. S. Post Office Red Return Cards show timely service of Brief and Appendix. Mr. William P. Rowland, Clerk of U. S. C. C. A. 3rd C., on July 12, 1946, wrote:

> "We received from you yesterday Appellant's Brief and Appendix in the case of *Curtis vs. Fake, Utah Fuel Co., et al.*, No. 9178, which we have duly filed; and also three sets for the court which you have tied up, including your brief, etc., in the former cases, Nos. 8027 and 8664.
>
> Very truly yours,
> W. P. Rowland, Clerk."

A period of five months and the respondent Utah Fuel Company employs numerous lawyers and has them in continuous service. It follows that the said circuit court gave and gives favors to all against this humble petitioner, and then holds him bound to the Statute of Limitations.

(S) *Is it a national duty justifying said circuit court to deny this humble petitioner justice, the equal protections of the laws, and the equal benefits of all laws and proceedings in order to save District Court Judge Guy L. Fake; and compel him to hold his life, his liberty, his property, and his pursuance of happiness at the biased and vicious will of said Judge? Goodrich, C. J., page* 461, *line* 12th, *Vol.* III. *Record.*

See: U. S. Constitution, Art. III—Judicial Department, pp. 418-419. Revised and Annotated, 1938; parts thereof at pp. 454-455, Vol. III, Record.; the (5th) and (14th) Amendments to the U. S. Constitution.

Due Process of Law under the 5th Amdt. Persons to whom Protection Extends: "All persons within the territory of the United States are entitled to the protection guaranteed by this Amendment"; "even aliens shall not * * * be deprived of life, liberty, or property without due process of law." *Wong Wing v. United States,* 163 U. S. 228, arguing by analogy from the 14th Amendment, as construed in *Yick Wo v. Hopkins,* 118 U. S. 356. This Court has held that the legal import of the phrase due process of law is the same in both the 5th and 14th Amdts. *French v. Barber Asphalt Paving Co.,* 181 U. S. 324, 329.

Civil Trials: Amdt. 7th. "In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law." This Amendment applies only to courts sitting under the authority of the United States. *Pearson v. Yewdall,* 95 U. S. 294-296.

U. S. C., Equal rights under the Law. U. S. C. A. Title 8, Section 41. "* * * to the full and equal benefits of all laws and proceedings for the security of persons and property. * * *" In what respect is this a "National Duty" to save a judge who resorted to the usurpations of his powers in order to deprive this humble petitioner of life, liberty, property, and pursuance of happiness? This Opinion and this alone disqualified Mr. Justice Goodrich and the provisions of Circuit Court Rule 5, par. 1, applies to and governs his action on appeals Nos. 8664 and 9178. It follows that the Decrees of said Circuit Court on said appeals are null and void.

This matter or cause is coming on before this Court on the petitioner's petition for Writ of Certiorari and the cause is fully presented by the petitioner herein who wishes to advise this Court that he will print any and all additional parts of the record if in the judgment of this Court is thought to be necessary and proper for a complete review of the lower Courts. The decision of this Court is essential to a complete review of the Circuit and District Courts. For this additional reason this Court is prayed to conclude to consider the questions presented. Section 240 (a) Judicial Code, 28 U.S.C.A. Sec. 347, 8 F.C.A. Title 28, Sec. 347. *United States v. Bankers Trust Co.*, 294 U. S. 240, 294, 295, 79 L. Ed. 885, 895, 896, 95 A.L.R. 1352. Such action is in the interest of justice and expedition. *Continental Illinois Nat. Bank & T. Co. v. Chicago, R. I. & P. R. Co.*, 294 U. S. 648, 685, 79 L. Ed. 1119, 1133, 55 S. Ct. 595, 27 Am. Bankr. Rept. (N. S.) 715; Cf. *Story Parchman Co. v. Paterson Parchman Paper Co.*, 282 U. S. 555, 567, 75 L. Ed. 544, 550, 51 S. Ct. 248; *Cole v. Ralph*, 252 U. S. 286, 290, 64 L. Ed. 567, 574, 40 S. Ct. 321.

CONCLUSION

Wherefore, your petitioner respectfully prays that a Writ of Certiorari may be issued out of and under the seal of this Court, directed to the United States Circuit Court of Appeals for the Third Circuit, and that the record herein presented by the petitioner, together with the exhibits to be sent up by the Clerks of the Lower Courts, be accepted as the record of the cause, and that this court require a prompt response to this petition and advance the case for argument.

Respectfully submitted,
NICHOLAS J. CURTIS, LL. B.,
Petitioner Appearing Pro Se,
Office and Residence:
No. 145 North Broad Street,
Trenton, New Jersey.

Supreme Court of the United States, Drs., ss.

CERTIFICATE

I, Nicholas J. Curtis, the petitioner in the foregoing petition for Writ of Certiorari, do hereby certify as follows:

I am an LL. B. of an American University authorized by law to grant said Degree, and in addition thereto a course in law, or part thereof, in classes at the University

of Utah, and another at the agriculture college of the State of Utah, Logan, Utah; and from the year to date never ceased studying the authorities on the "Laws of the United States". I also have a splendid course in "New Pandecta" written in splendid Greek dialect by professors of the Law Schools of the University or Universities of Greece, together with Opinion from the Attorneys General of Greece. I have no financial assistance from any one and all costs are paid by myself. As this honorable Court will observe from my record, I am able to go on trial if and when the right to have the assistance of witnesses is given to me preparatory to going on trial, but this is denied although the court below could have the truth established at my expenses. I am very sorry to say that Judge Guy L. Fake is not qualified to go on trial with my cause and myself. This is shown by his past. This is shown by his own statements. And this is shown by his Opinion in my two causes. I have given to me access to the Law Libraries and I have thoroughly studied every point of law present in my cause in the Authorities and Official Reporters and find that my cause now before this Court is meritorious. I, therefore, certify that it is in the public interest as well as in the interest of myself, that the parties-conspirators participating in the conspiracy set forth in my Record be brought to justice according to the laws of the United States.

NICHOLAS J. CURTIS, LL. B.,
Office and Residence:
No. 145 N. Broad St.,
Trenton, New Jersey.

VERIFICATION

United States of America,
State of New Jersey,
County of Mercer,
City of Trenton.
ss. Vertification.

Nicholas J. Curtis, for himself, upon oath says: That he is a Bachelor of Laws. That he is the petitioner in the foregoing petition; the appellant in the Circuit Court of Appeals for the Third Circuit and plaintiff in the District Court of the United States for the District of New Jersey; that he is the author of every pleading on file in every suit in which he is the plaintiff and of every document on file and of record in the causes now before this Court on Petition for Writ of Certiorari; that he is able and willing to proceed to final hearing or trial in the district court and to that end he prepared and presented to the said District Court Motions for Depositions and Motions for Commissions to examine parties and witnesses preparatory to trial; and that if this inherent and inalienable right to give evidence is accorded he is certain that he will prove more than he has complained and pleaded in his pleadings on file and of record; that he has prepared, drafted and typed the foregoing petition to which this verification is made and has actual and personal knowledge of the matters and things therein set forth; and that all matters and things set forth therein are true to the best of his knowledge and belief; and to the best of the matters of record apparent on the face of the record.

Your affiant further states that the said petition for writ of certiorari is prepared and filed in the utmost good faith, convinced from his experience and struggle in the cause in the course of its trials in the courts below that the said Petition is meritorious, and that it is not presented in order to be vexatious or to delay the final opinion and judgment in the case.

NICHOLAS J. CURTIS,
NICHOLAS J. CURTIS, LL. B.
Affiant and Petitioner,
Office and Residence:
No. 145 North Broad Street,
Trenton, New Jersey.

Subscribed and sworn to before me this 7th day of January, A. D. 1947.

(Seal) S. R. Block,
Notary Public, Mercer County,
State of New Jersey.

NOTICE

To the Above Named Respondents and Their Attorneys of Record:

Please take notice that a petition for a Writ of Certiorari to the United States Circuit Court of Appeals for the Third Circuit is this day sent up to the Clerk of the United States Supreme Court, Washington, D. C., and by him to be docketed according to law and proceeded therewith in accordance with the provisions of Supreme Court

Rule 38. A printed copy of the Petition and Brief is herewith served upon you.

Yours, etc.,
NICHOLAS J. CURTIS, LL. B.,
Petitioner Appearing Pro Se,
Office and Residence:
No. 145 North Broad Street,
Trenton, New Jersey.

APPENDIX

UNITED STATES CIRCUIT COURT OF APPEALS

FOR THE THIRD CIRCUIT

No. 9178 October Term, 1946

Nicholas J. Curtis, Appellant

v.

Hon. Guy L. Fake, U. S. District Judge, Newark, N. J.; Utah Fuel Company, a corporation, et al.

On Appeal from Proceedings Before Honorable Guy L. Fake, Judge of the District Court for the District of New Jersey in which an Opinion Was Filed April 13, 1944.

Argued November 21, 1946

Before Goodrich and Kalodner, Circuit Judges, and Madden, District Judge.

OPINION OF THE COURT

(Filed December 4, 1946)

Per Curiam:

The judgment of the District Court is affirmed.

A true Copy:

Teste:

Clerk of the United States Circuit Court of Appeals for the Third Circuit.

Appendix

IN THE
UNITED STATES CIRCUIT COURT OF APPEALS
For the Third Circuit

No. 9178 October Term, 1946

Nicholas J. Curtis, Appellant

vs.

Hon. Guy L. Fake, United States District Judge for the District of New Jersey; Utah Fuel Company, et al.

Present. Goodrich and Kalodner, Circuit Judges, and Madden, District Judge.

On appeal from the District Court of the United States, for the District of New Jersey.

This cause came on to be heard on the transcript of record from the District Court of the United States for the District of New Jersey and was argued by counsel.

On consideration whereof, it is now here ordered and adjudged by this Court that the judgment of the said District Court in this case be, and the same is hereby affirmed, with costs.

By the Court,
GOODRICH,
Circuit Judge.

December 4, 1946.